

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES EX REL. SOLLOG
IMMANUEL ADONAI-ADONI,

Petitioner,

v.

A.J. DEFINO, et al.,
Respondents.

Civil Action No. 06-~~5235~~
5235

MEMORANDUM/ORDER

On May 14, 2007, this court informed petitioner that he had thirty days in which to reclassify his § 2241 petition as a § 2254 petition because relief is not available pursuant to § 2241. *See* Docket # 3. On June 8, 2007, he filed a motion for reconsideration of the order. *See* Docket # 6. Petitioner also has an outstanding motion to compel discovery (Docket # 2) and two motions to proceed *in forma pauperis* on appeal (Docket #s 7-8).

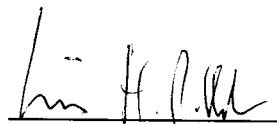
We must first consider whether petitioner's motion is untimely under Rule 7.1(g) of the Local Rules of Civil Procedure of the United States District Court for the Eastern District of Pennsylvania. Local Rule 7.1(g) provides that "[m]otions for reconsideration . . . shall be served and filed within ten (10) days after the entry of the judgment, order, or decree concerned." This period does not include Saturdays, Sundays,

or legal holidays. *See* Fed. R. Civ. P. 6(a) (“When the period of time prescribed or allowed is less than 11 days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation.”). Thus, because the order was filed on May 14, 2007, the period for filing a motion to reconsider expired on May 29, 2007. Accordingly, petitioner’s motion for reconsideration will be denied as untimely.

There being no outstanding issues in this case, petitioner’s motion to compel discovery will be denied as moot. Finally, upon motion and statements in support of his request to proceed *in forma pauperis* in his appeal, it appears to the court that petitioner is unable to pay the filing fees and costs, and petitioner will be allowed to proceed *in forma pauperis*.

AND NOW, this 23 day of July, 2007, it is hereby ORDERED that petitioner’s motion for reconsideration is DENIED. It is further ORDERED that petitioner’s motion to compel discovery is DISMISSED as MOOT. Finally, it is ORDERED that petitioner is GRANTED leave to proceed *in forma pauperis* on appeal

BY THE COURT:

A handwritten signature in black ink, appearing to read "J. Pollak", written over a horizontal line.

Pollak, J.